MIP

FILED
07 NOV -2 AM 11:50

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

ARREST ON OUT-OF-DISTRICT OFFENSE

CASE NUMBER: '07 MJ 2585

The person charged as BOOTH, Kevin W. now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Western District of Tennessee (Memphis) on 08/12/05 with: **Title 18 USC 3565** **in violation of:**

SUPERVISED RELEASE VIOLATION

The charging documents and the warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 11/02/07

Gerald Davis
CI -Deputy United States Marshal

Reviewed and Approved

DATE:

Assistant United States Attorney

lpml

M/P
12036-076
7/10/02

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

United States of America
v.

KEVIN W. BOOTH

WARRANT FOR ARREST

Case Number: 2:89CR20219-B

To: The United States Marshal and
any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest **Kevin W. Booth** and bring him or her forthwith to the nearest Magistrate Judge to answer a

Petition on Probation and Supervised Release

charging him or her with (brief description of offense)

Violation of Conditions of Supervised Release

In violation of Title 18, United States Code, Section(s) 3565

Thomas M. Gould
Name of Issuing Officer

Clerk of Court
Title of Issuing Officer

'05 AUG 15 AM 11:46
WESTERN TENNESSEE
UNITED STATES MARSHALS

[signature]
Signature of Issuing Officer/Deputy Clerk

August 12, 2005 Memphis, Tennessee

Bail fixed at $ ____________ By ____________
Name of Judicial Officer

RETURN		
This Warrant was received and executed with the arrest of the above-named defendant at ____________		
Date Received:	Names and Title of Arresting Officer	Signature of Arresting officer
Date of Arrest		

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UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

FILED BY [signature] D.C.
05 AUG 10 AM 10: 18
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

U.S.A. vs. Kevin W. Booth **Docket No. 2:89-CR 20219 - B**

Petition on Probation and Supervised Release

COMES NOW Michelle R. Sims **PROBATION OFFICER OF THE COURT** presenting an official report upon the conduct and attitude of Kevin W. Booth, who was placed on supervision by the Honorable Odell Horton sitting in the Court at Memphis, Tennessee, on the 10th day of May, 1990 who fixed the period of supervision at three (3) years*, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

* Term of Supervised Release began on November 3, 2004, in the Northern District of California.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:
(If short insert here; if lengthy write on separate sheet and attach)

The defendant shall not commit another federal, state or local crime.

Mr. Booth was arrested by the San Jose, California Police Department after a routine traffic stop revealed the defendant was driving under the influence of a controlled substance. A subsequent search of the vehicle revealed a small baggy containing cocaine. The defendant was charged with Possession of a Controlled Substance (felony) and Being Under the Influence of Cocaine and Methamphetamine (misdemeanor). The defendant is presently in state custody with a Court date of August 2, 2005.

PRAYING THAT THE COURT WILL ORDER that a WARRANT be issued for Kevin W. Booth to answer charges of Supervised Release violations.

BOND:____________________

ORDER OF COURT

Considered and ordered this 9th day of August 2005 and ordered filed and made a part of the records in the above case.

[signature]
U.S. District Judge

CERTIFIED TRUE COPY
THOMAS M. GOULD, CLERK
BY [signature]
DEPUTY CLERK

I declare under the penalty of perjury that the Foregoing is true and correct.

[signature]
Michelle R. Sims
U.S. Probation Officer

Place: Memphis, TN

Date: July 26, 2005

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCrP on 8-12-05

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VIOLATION WORKSHEET

1. Defendant Kevin W. Booth (Incarcerated: San Jose, California)

2. Docket Number (Year-Sequence-Defendant No.) 2:89CR20219

3. District/Office Western District of Tennessee (Memphis)

4. Original Sentence Date 5 / 10 / 90
   month day year

(If different than above):

5. Original District/Office ____________________

6. Original Docket Number (Year-Sequence-Defendant No.) ____________________

7. List each violation and determine the applicable grade (see §7B1.1):

Violation(s)	Grade
• New Criminal Conduct: Possession of a Controlled Substance (Felony)	B
• New Criminal Conduct: Being Under the Influence of Cocaine/Methamphetamine (Misdemeanor)	C

8. Most Serious Grade of Violation (see §7B1.1(b)) B

9. Criminal History Category (see §7B1.4(a))74 VI

10. Range of imprisonment (see §7B1.4(a)) 21 - 27 months
    Statutory maximum sentence: 60 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

{ } (a)If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.

{ } (b)If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.

{X} (c)If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W. Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

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Defendant: Kevin W. Booth

12. **Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution ($) N/A

Fine ($) N/A

Other N/A

Community Confinement N/A

Home Detention N/A

Intermittent Confinement N/A

13. **Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3{see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: __________

14. **Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

15. **Official Detention Adjustment {see §7B1.3(e)}:** ______ **months** ______ **days**

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W. Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit